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March 31, 2021

VIA ECF

Hon. Kevin N. Fox, U.S.M.J.
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: Actava TV, Inc., et al. v. Joint Stock Company “Channel One Russia Worldwide” et al. (18-cv-06626)

Dear Judge Fox:

We are counsel for Plaintiffs in this action. We write on behalf of all parties to seek a two-week extension of the period for discovery in this action. Discovery is currently scheduled to end on Monday, April 5. The proposed extension to Monday, April 19, which would be the ninth, does not affect any other deadlines in this action. All parties consent to this two-week extension.

The parties seek the extension, in part, to facilitate the scheduling of expert depositions. The parties have exchanged expert reports concerning damages, and are in the process of scheduling depositions of those experts. The parties have resolved the issue of Defendants' request to depose two other expert witnesses. One witness, who previously offered expert testimony, has been deposed. The other witness was at one time designated by Plaintiffs to offer expert testimony but, as Plaintiffs have now stated that that person has not prepared an expert report and will not offer expert testimony, Defendants withdrew their request to depose him. (Of course, the reference to “expert witnesses” is not an agreement by any party that any person's report or testimony should be accepted.)

As the court may recall, Plaintiffs also have been pursuing discovery against non-party Matvil Corporation in Canada. That discovery proceeding is not yet fully resolved. As it now stands, the Canadian court has held that Matvil, which has produced documents, will be required to appear for a deposition, but that Matvil will not be required to provide documents or testimony regarding financial information. Plaintiffs anticipate scheduling the deposition testimony of Matvil before April 19 if the extension is granted.

As the court is aware, there is a pending motion to compel filed by Defendants (ECF No. 261). If that motion is granted, the parties will endeavor to complete discovery permitted promptly. Defendants state that a further extension may be necessary for the completion of such discovery. Plaintiffs oppose any further extensions, and state that the pending motion should not affect the overall discovery deadline.

We thank the Court for its attention to this matter.

Respectfully submitted,
/s/ Toby Butterfield